

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: David G. MaloneApplication No./Patent No.: 10/812,837 Filed/Issue Date: March 30, 2004Titled: DEVICES AND METHODS FOR FACILITATING CONTROLLED BONE GROWTH OR REPAIR

DePuy Spine, Inc., a Corporation  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest in;
2.  an assignee of less than the entire right, title, and interest in  
 (The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3.  an assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet(s).

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

<u>/Lisa Adams/</u> Signature	<u>September 8, 2009</u> Date
<u>Lisa Adams</u> Printed or Typed Name	<u>Authorized Signer for Assignee</u> Title

**Statement By Assignee to Establish Ownership (37 CFR 3.73(b))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: September 8, 2009

Signature: /Lisa Adams/ (Lisa Adams)

1856960.1

**ATTACHMENT E**

**ASSIGNMENT**

David Malone, M.D., having a place of business at 1919 S Wheeling Avenue, Suite 706, Tulsa OK 74104 (hereinafter "Assignor"), conditioned upon the execution of the instant Agreement by DePuy Spine and receipt of the amount set forth in Section 4a of the instant Agreement from

DePuy Spine, Inc.

a corporation of Ohio, having its principal place of business at 325 Paramount Drive, Raynham, MA 02767, does hereby sell, assign and transfer unto

DePuy Spine, Inc.,

(hereinafter, "Assignee") their successors and assigns, the entire interest for the United States of America and all foreign countries including all rights of priority under the International Convention for the Protection of Industrial Property in the Assigned Patents (as defined in the Intellectual property Assignment Agreement between the Assignor and Spine, Inc.), including but not limited to:

- a) U.S. Patent Application US2007/0083265A1 entitled "Devices and methods for facilitating controlled bone growth or repair", published on April, 12, 2007,
- b) U.S. Patent Application US2004/0225360A1, entitled "Devices and methods for facilitating controlled bone growth or repair", published on Nov 11, 2004,
- c) PCT Patent Application WO2005/097005A1 (has progressed to national phase and is pending in Canada, having application number 2,561,938),
- d) PCT Patent Application WO2004/008999A1 (has progressed to national phase and is pending in Canada, having application number 2,492,643), and
- e) U.S. Patent Application US2002/0169507 (abandoned).

in the United States Patent and Trademark Office, and in all Letters Patent of the United States and all foreign countries which may or shall be granted on said invention, or any parts thereof, or on said application, or any divisional, continuing, reissue or other applications based in whole or in part thereon. And Assignor agrees, for itself and its executors and administrators, with said Assignees and their successors and assigns but at their expense and charges, hereafter to execute all applications, amended specifications, deed or other instrument, and to do all acts necessary or proper to secure the grant of Letters Patent in the United States and in all other countries to said corporation, with specifications and claims in such form as shall be approved by the counsel of said corporation and to vest and confirm in said Assignees, their successors and assigns, the legal title to all such patents.

And I do hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said Assignees, their successors and assigns.

WITNESS my hand and seal this 6<sup>th</sup> day of May, 2009.

By: DKS Notary Public  
1919 S. Wheeling, IL 60616  
Notary Public #2

State of IL

)ss

County of Tulsa

Then personally appeared the above named \_\_\_\_\_ and acknowledged the foregoing instrument to be his free act and deed, before me, this 6<sup>th</sup> day of May, 2009  
Notary Public

Christa Annstry